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PATENT APPLICATION

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ATTORNEY DOCKET NO. 10004560-1

UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Tom Milner, et al

Confirmation No.: 4840

Application No.: 09/846,645

Examiner: J. Schneider

Filing Date: May 2, 2001

Group Art Unit: 2182

Title: SYSTEM AND METHOD FOR IDENTIFICATION OF DEVICES ASSOCIATED WITH INPUT/OUTPUT PATHS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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JUL 02 2003

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Technology Center 2100

Sir:

Transmitted herewith is/are the following in the above-identified application:

(X) Response/Amendment ( ) Petition to extend time to respond  
 ( ) New fee as calculated below ( ) Supplemental Declaration  
 (X) No additional fee (Address envelope to "Mail Stop Non-Fee Amendment")  
 ( ) Other: \_\_\_\_\_ (fee \$ \_\_\_\_\_)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	20	MINUS	20	= 0	X \$18	\$ 0
INDEP. CLAIMS	5	MINUS	5	= 0	X \$84	\$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						+ \$280
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$410.00	3RD MONTH \$930.00	4TH MONTH \$1450.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

"Express Mail" label no. EV256033549US

Date of Deposit June 27, 2003

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

By John Pallivathukal

Typed Name: John Pallivathukal

Respectfully submitted,

Tom Milner, et al

By

Michael A. Papalas

Attorney/Agent for Applicant(s)  
Reg. No. 40,381

Date: June 27, 2003

Telephone No.: (214) 855-8186

- Attach as First Page to Transmitted Papers -



Hewlett-Packard Company  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

485141  
7/9/03

Docket No.: 10004560-1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Tom Milner, et al.

Application No.: 09/846,645

Group Art Unit: 2182

Filed: May 1, 2001

Examiner: J. Schneider

For: **SYSTEM AND METHOD FOR  
IDENTIFICATION OF DEVICES  
ASSOCIATED WITH INPUT/OUTPUT PATHS**

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JUL 02 2003

Technology Center 2100

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed June 6, 2003 (Paper No. 4) (hereinafter "Office Action"), Applicant hereby provisionally elects claims 1-8 for continued examination, WITH TRAVERSE.

Examiner has required restriction between Group I (claims 1-8), Group II (claims 9-13), Group III (claims 14-17), and Group IV (claims 18-20). However, Applicants respectfully remind Examiner that a restriction is only proper if the Office Action provides reasons and examples showing that 1) the inventions are independent or distinct, and 2) there is a serious burden on the examiner, see M.P.E.P. §803. Further, M.P.E.P. §802.01 defines "distinct" as two or more related subjects capable of separate manufacture, use, or sale, and which are patentable over each other. Applicants respectfully submit that the Office Action fails to meet the requirements of M.P.E.P. §§803 and 802.01 when it states that "Group I includes the retrieval and execution of code from and I/O device, Group II includes the retrieval and execution of code from a data structure, Group III includes the retrieval and creation of code for an I/O device, and Group IV includes server analysis and management of a SAN," *See* Office Action p. 2. This is merely a statement that the different groups have different limitations. Such evidence is insufficient for a showing of distinctiveness, because

each claim, by definition, must have different limitations in order to avoid being identical. Therefor, Applicants believe that restriction between Groups I, II, III, and IV is improper. Applicants respectfully request that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10004560-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV256033549US, in an envelope addressed to: MS Non-Fee Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

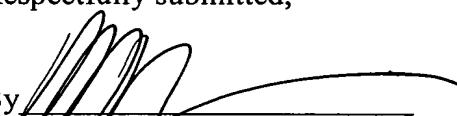
Date of Deposit: June 27, 2003

Typed Name: John Pallivathukal

Signature: 

Respectfully submitted,

By

  
Michael A. Papalas  
Attorney/Agent for Applicant(s)  
Reg. No.: 40,381

Date: June 27, 2003

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